

Appl. No. 10/728,321
Response dated 08/30/06
Reply to Final Action of 06/28/06

AUG 30 2006

REMARKS

Applicant's representative gratefully acknowledges the courtesy afforded by the Examiner in discussing the merits of the present application earlier today, August 30, 2006. As a result of that conversation, independent claims 1 and 12 have been amended to include the limitation of dependent claims 11 and 21, respectively.

Claims 1 – 21 have been rejected under 35 USC §103(a) as being unpatentable over Davis et al. (U.S. Patent No. 6,607,834). The Examiner argues that Davis et al. disclose a multilayer biaxially oriented composite which may include a pigment or dye as an additive and which may include coatings. The Examiner then argues that the phrase, "oriented thermoplastic composite for use as a register or receipt tape" in the preambles of the present independent claims is an intended use and that if a prior art structure is capable of performing the intended use, then it meets the claim. The Examiner concludes "[B]ecause Davis has a multilayer biaxially oriented composite with equivalent materials as the claimed invention, it would have been obvious to one of ordinary skill in the art to include the optimum secant modulus of the composite." In response to Applicant's arguments of April 12, 2006 the Examiner further notes that the film of Davis et al. has improved heat resistance and can include coatings applied to both sides of the composite. However, in the telephone discussion acknowledged above, Applicant's representative pointed out that while the present claimed film is heat resistant in that it is essentially non-heat shrinkable when exposed to the heat conditions of a typical cash register printer, which limitation has been added to the independent claims by the present amendment, the present film further includes a heat sensitive, thermal image coating. Such coating

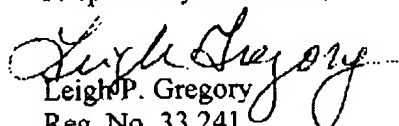
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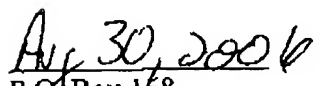
contributes in no way to the heat resistance of the present film. Instead it is the means by which the film is printed upon by the printer. Specifically, the thermal image coating discussed in the present specification at the paragraph bridging pages 6 and 7 is acknowledged on the supplier's website to be a formulation containing heat-sensitive capsules that develop on contact with a high temperature transfer system such as a printhead on a direct thermal printer. Davis et al., on the other hand, is directed to a packaging film which, although it may be printed with ink in a manner which is conventional for packaging films, would not work as a cash register tape. Thus, it is submitted that Davis et al. in no way renders obvious the present claimed invention and it is requested that the Examiner reconsider and withdraw the present rejection.

Accordingly, it is submitted that the present case is in condition for allowance and such action is respectfully requested.

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Respectfully submitted,


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